

## REMARKS

Reconsideration of the present application is respectfully requested.

Applicant thanks the Examiner for the indication that claims 32-39 are allowed, and that claim 29 contains allowable subject matter.

Applicant has amended two paragraphs of the specification. These paragraphs begin on page 8 at line 12 and on page 9 at line 26. The specification amendments refer to features already shown and inherent in Figs. 8 and 10. No new matter has been added.

Applicant has provided a corrected Figures 8 and 10 to include callouts to a front wall 100 and rear wall 98. These numbers refer to features of these figures present in the original filing. No new matter has been added.

The Office Action objected to the specification and drawings for failure to show every feature of the claimed inventions. Applicant has amended two paragraphs of the specification and has also amended two figures. With these amendments Applicant respectfully requests withdrawal of the objection to the specification and drawings.

### Claim objections.

Claims 36 and 37 were objected to. The Office Action states that the specification does not detail a front and rear wall and the drawings do not specifically detail what elements depict the front and rear walls.

Applicant has amended the text of the specification and the drawings to call attention to the front and rear walls inherent in the originally filed application. No new matter has been added. With these amendments, Applicant respectfully requests withdrawal of the objection to claims 36 and 37.

**IN THE DRAWINGS**

**Applicant is providing with this response amended versions of Figs. 8 and 10.**

**Applicant has added a callout of element “98” on Fig. 10 and a callout of element “100” on Fig. 8.**

The rejections under 35 U.S.C. § 102.

Claims 27, 28, 30, and 31 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 1,139,850 to Conkle.

Applicant has amended claim 27 to include that the garment substantially surrounds the users neck. Conkle does not disclose a garment as claimed, nor can Conkle be modified to include this feature. In contrast, Conkle includes a mask having beads or flanges 12 which bear in watertight fashion against the chin of the diver (lines 50-54; lines 27-29; Fig. 1). Applicant respectfully requests withdrawal of the rejection of claims 27 and all claims dependent thereon.

With regards to claim 30, the Office Action states that Conkle includes a barrier adapted and configured to direct air exhausted from one nostril to flow in front of the other nostril. Applicant disagrees with this rejection. Although Conkle includes a diaphragm 15 which extends horizontally across the upper lip of the diver, there is no mention within Conkle of adapting and configuring this diaphragm to direct air asymmetrically. Instead, it appears that the air leaving one nostril would more likely flow laterally outwards toward the ear of the same side, and not through the small gap in front of the nose, the latter pathway being more tortuous and more resistant to flow. The flowpath of Conkle is adapted and configured to flow laterally toward the ear only.

With regards to claim 31, Applicant has amended this claim to include that the barrier is adapted and configured to direct substantially all of the air exhausted from one nostril to flow within the first channel in front of the other nostril. In contrast, Conkle appears to be designed for each nostril to flow equally and away from the other nostril and instead toward the closest ear. As amended, Conkle cannot be said to anticipate all elements of claim 31, and therefore Applicant respectfully requests withdrawal of the rejection of claim 31.

Comments on Reasons for Allowance.

Applicant does not intend for the allowed claims to be limited according to the statements provided in the Examiner's Reasons for Allowance. The scope of the allowed claims is to be determined by the language of the claims. Applicant objects to the Examiner's Reasons to the extent that they suggest a claim scope narrower or different than that offered by the claim language itself.

Each claim is allowable because each claim recites a combination of elements not disclosed or suggested by any references. The invention resides in the combination of elements as variously recited in the claims, and not in the presence of any one or a few particular elements or limitations, or in the presence of any one or particular claim. Further, it is understood that each claim stands on its own merits.

### CLOSING

Applicant has amended claims 27 and 31; and added new claims 40-46. Applicant respectfully requests reconsideration of pending claims 27-46. The undersigned welcomes a telephonic interview with the Examiner if the Examiner believes that such an interview would facilitate resolution of any outstanding issues.

Respectfully submitted,

By: 

John V. Daniluck

Reg. No. 40,581

Woodard, Emhardt, Moriarty,

McNett & Henry LLP

Bank One Center/Tower

111 Monument Circle, Suite 3700

Indianapolis, IN 46204-5137

(317) 634-3456 – telephone

(317) 637-7561 – facsimile